



Practitioner's Docket No. 2507/101

PATENT

**REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY BY INVENTOR**  
(37 C.F.R. Sec. 1.175)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor of the subject matter that is described and claimed in letters patent number 5,954,671, granted on September 21, 1999, and for which invention I solicit a reissue patent on the invention entitled Bone Harvesting Method and Apparatus, the specification of which was filed on August 3, 2001, as reissue application number 09/922,555.

**ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in Title 37, Code of Federal Regulations, Sec. 1.56.

**PRIORITY CLAIM**

I do not claim foreign priority benefits under Title 35, United States Code, Sec. 119 of any foreign application(s) for patent. No such applications have been filed. I claim priority of provisional application No. 60/082,340 filed April 20, 1998.

**STATEMENT OF INOPERATIVENESS OR INVALIDITY OF ORIGINAL PATENT**

That I believe the original patent to be partly inoperative or invalid by reason of the patentee claiming more or less than the patentee had a right to claim in the patent (37 C.F.R. Sec. 1.175(a)(1)).

That all the claims of the original patent require either the use of an "impactor cap" or a "forked cannula" is an error.

Every error in the patent which was corrected in the resent reissue application, and is not covered by a prior oath/declaration submitted in this application, arose without any deceptive intention on the part of the applicant. (37 C.F.R. Sec. 1.175(a)(2)).

**POWER OF ATTORNEY**

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Bruce D. Sunstein,  
Robert M. Asher,  
Timothy M. Murphy,  
Steven G. Saunders,  
Samuel J. Petuchowski,  
Jeffrey T. Klayman,  
John J. Stickevers,

Registration No. 27,234  
Registration No. 30,445  
Registration No. 33,198  
Registration No. 36,265  
Registration No. 37,910  
Registration No. 39,250  
Registration No. 39,387



Jay Sandvos,  
Alexander J. Smolenski, Jr.,  
John L. Conway,  
Barbara J. Carter

Registration No. 43,900  
Registration No. 47,953  
Registration No. 48,241  
Registration No. 52,703

I hereby appoint the practitioner(s) associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

SEND CORRESPONDENCE TO

DIRECT TELEPHONE CALLS TO:

Address: Timothy M. Murphy  
Bromberg & Sunstein LLP  
125 Summer Street  
Boston, MA, 02110-1618US

617-443-9292

Customer No.: 02101

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code; and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE BY THE INVENTOR

Full name of sole or first inventor:

Michael J. O'Neill

Inventor's signature

Date

Country of Citizenship

Residence:

US

Scituate, MA

Post Office Address:

33 Circuit Ave

Scituate, MA 02066

.2507/00101 607032.1